

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

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**ADAPTIX, INC.,**

Plaintiff,

v.

**AT&T, INC.,**

**AT&T MOBILITY LLC,**

**CELLCO PARTNERSHIP d/b/a**

**VERIZON WIRELESS,**

**LG ELECTRONICS, INC. and**

**LG ELECTRONICS USA, INC. ,**

Defendants.

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Civil Action No. 6:12cv17

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which plaintiff, ADAPTIX, Inc. (“ADAPTIX”), complains against defendants, AT&T, Inc., AT&T Mobility LLC (together “AT&T”), Cellco Partnership d/b/a Verizon Wireless (“Verizon”), LG Electronics, Inc. and LG Electronics USA, Inc. (together “LG”), as follows:

**THE PARTIES**

1. ADAPTIX is a Delaware corporation with its principal place of business at 4100 Midway Road, Suite 2010, Carrollton, Texas 75007.
2. On information and belief, AT&T, Inc. is a Delaware corporation with its principal place of business at 208 Akard Street, Dallas, Texas 75202 and regularly does business throughout this judicial district. AT&T, Inc.’s registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

3. On information and belief, AT&T Mobility LLC is a Delaware corporation with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342 and does business in this judicial district at 5976 West Parker Road, Plano, Texas 75093, and by, among other things, committing jointly, directly and/or indirectly the tort of patent infringement giving rise to this complaint. AT&T Mobility LLC's registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

4. On information and belief, Verizon is a Delaware corporation with its principal place of business at 1 Verizon Way, Basking Ridge, New Jersey 07920 and does business throughout this judicial district and by, among other things, committing directly and/or indirectly the tort of patent infringement giving rise to this complaint. Verizon's registered agent for service of process is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Alternatively, Verizon may be served with process by serving the Secretary of State of the State of Texas pursuant to the Texas Long Arm Statute, Texas Civil Practice & Remedies Code § 17.044 and asking the Secretary of State to serve Verizon at its principal place of business at 1 Verizon Way, Basking Ridge, New Jersey 07920.

5. On information and belief, LG Electronics, Inc. is a Korean corporation with its principal place of business at LG Twin Towers 20, Yeouido-dong, Yeongdeunspo-gu, Seoul 150-721, Korea and does business in this judicial district by, among other things, committing directly and/or indirectly the tort of patent infringement giving rise to this complaint. LG Electronics, Inc. may be served in accordance with the terms of the Hague

Convention at its principal place of business at LG Twin Towers 20, Yeouido-dong, Yeongdeunspo-gu, Seoul 150-721, Korea.

6. On information and belief, LG Electronics USA, Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632 and does business in Texas at 2155 Eagle Parkway, Fort Worth, Texas 76177 and in this judicial district by, among other things, committing jointly, directly and/or indirectly the tort of patent infringement giving rise to this complaint. LG Electronics USA, Inc.'s registered agent for service of process in Texas is United States Corporation Co., 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

#### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b-d) and 1400(b). On information and belief, each defendant has purposely transacted business in this judicial district and has committed acts of joint, direct and/or indirect infringement in this judicial district.

9. On information and belief, each defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (A) at least part of their infringing activities alleged herein, and (B) regularly doing or soliciting business, engaging in others persistent causes of conduct, and/or deriving substantial revenue from goods and services provided to persons and other entities in Texas and this judicial district.

**COUNT I**  
(INFRINGEMENT OF U.S. PATENT NO. 7,454,212)

10. ADAPTIX is the owner by assignment of United States patent number 7,454,212, entitled “OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION AND SELECTIVE LOADING” (“the ‘212 patent”) with ownership of all substantial rights in the ‘212 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the ‘212 patent is attached as Exhibit A.

11. On information and belief, AT&T is directly and/or indirectly infringing at least one claim of the ‘212 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the LG Nitro smartphone which, at a minimum, directly infringes the ‘212 patent. AT&T is thereby liable for infringement of the ‘212 patent pursuant to 35 U.S.C. § 271. AT&T’s infringement has caused damage to ADAPTIX, which infringement and damage will continue unless and until AT&T is enjoined.

12. On information and belief, Verizon is directly and/or indirectly infringing at least one claim of the ‘212 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the LG Revolution smartphone which, at a minimum, directly infringes the ‘212 patent. Verizon is thereby liable for infringement of the ‘212 patent pursuant to 35 U.S.C. § 271. Verizon’s infringement has caused damage to ADAPTIX, which infringement and damage will continue unless and until Verizon is enjoined.

13. On information and belief, LG is directly and/or indirectly infringing at least one claim of the '212 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the LG Nitro and LG Revolution smartphones sold to AT&T and Verizon respectively which, at a minimum, directly infringe the '212 patent. LG is thereby liable for infringement of the '212 patent pursuant to 35 U.S.C. § 271. LG's infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until LG is enjoined.

14. Defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '212 patent in violation of 35 U.S.C. § 271.

15. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

**COUNT II**  
(INFRINGEMENT OF U.S. PATENT NO. 6,947,748)

16. ADAPTIX is the owner by assignment of United States patent number 6,947,748 entitled "OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION AND SELECTIVE LOADING" ("the '748 patent") with ownership of all substantial rights in the '748 patent, including the right to exclude others and to sue and

recover damages for the past and future infringement thereof. A true and correct copy of the '748 patent is attached as Exhibit B.

17. On information and belief, AT&T is directly and/or indirectly infringing at least one claim of the '748 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation and LG Nitro smartphone which, at a minimum, directly infringes the '748 patent. AT&T is thereby liable for infringement of the '748 patent pursuant to 35 U.S.C. § 271. AT&T's infringement has caused damage to ADAPTIX, which infringement and damage will continue unless and until AT&T is enjoined.

18. On information and belief, Verizon is directly and/or indirectly infringing at least one claim of the '748 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation and LG Revolution smartphone which, at a minimum, directly infringes the '748 patent. Verizon is thereby liable for infringement of the '748 patent pursuant to 35 U.S.C. § 271. Verizon's infringement has caused damage to ADAPTIX, which infringement and damage will continue unless and until Verizon is enjoined.

19. On information and belief, LG is directly and/or indirectly infringing at least one claim of the '748 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation LG Nitro and LG Revolution smartphones sold to AT&T and Verizon respectively which, at a minimum,

directly infringe the '748 patent. LG is thereby liable for infringement of the '748 patent pursuant to 35 U.S.C. § 271. LG's infringement has caused damage and to ADAPTIX, which infringement and damage will continue unless and until LG is enjoined.

20. Defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '748 patent in violation of 35 U.S.C. § 271.

21. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

#### **PRAYER FOR RELIEF**

Wherefore, ADAPTIX respectfully requests that this Court enter:

A. Judgment in favor of ADAPTIX that each defendant has infringed the '212 and '748 patents as aforesaid;

B. A permanent injunction enjoining each defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others acting in active concert or privity therewith from direct, indirect and/or joint infringement of the '212 and '748 patents pursuant to 35 U.S.C. § 283;

C. Judgment and order requiring each defendant to pay ADAPTIX its damages with pre- and post-judgment interest thereon pursuant to 35 U.S.C. § 284;

D. Any and all further relief to which the Court may deem ADAPTIX entitled.

**DEMAND FOR JURY TRIAL**

ADAPTIX requests a trial by jury on all issues so triable by right pursuant to Fed. R.

Civ. P. 38.

Date: January 13, 2012

**ADAPTIX, INC.**

By: /s/ Paul J. Hayes (w/permission W. Hill)

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**ATTORNEYS FOR THE PLAINTIFF**

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